

Note: Other than the revised Attachment (2), there is no amendment issued as a result of these questions. The responses to certain questions do, however, revise specific sections of the RFP and the responses take precedence. These revisions will be reflected in the awarded contract.

RFP No.	Section	Vendor Question	DOJ Response
1	General	Can the Government provide data on contractor employee turnover rates?	The turnover rate for full-time positions during the period January 2002 to January 2003 was 18%. The turnover rate for full-time positions during the period July 2002 to July 2003 was 19.7%.
2	General	Can the Government provide data on workload fluctuations? For example, what is considered a large and unexpected task order, 20 employees, 50 employees?	Historically, the workload has been fairly consistent; large, unexpected orders are rare. Within the last three years, the largest unexpected order was for twelve additional positions. The Government expects, but can't guarantee, that this pattern will continue.
3	General	What is the number of requisitions or task orders received per year and the number of positions they represent?	As of July 09, 2003, which is slightly updated from the Attachment (6) Manpower Report, there are 450 orders for 1,158 positions, of which 1,104 are full-time positions and 54 are part-time positions. Approximately 350 of these orders, accounting for roughly 1,000 personnel, were issued at the beginning of the fiscal year. The remaining orders have been issued since that time. Most of the orders issued after the initial orders each fiscal year are usually small in nature (1-5 positions) and are based on personnel turnover and workload fluctuation.
4	General	How many full time and part time positions are currently on the contract? Is this current mix of full time and part time a representative ratio throughout the contract?	See response to Question 3. This is considered a fair representation of the ratio throughout the performance of the contract.
5	General	How many subcontractors are currently working on this contract, and are their employees included in the total FTE count?	There are currently two subcontractors providing support under the current contract. Their employees are included in the figures provided in response to Question 3.
6	General	How many new hires and terminations are processed on average each month?	During the period July 2002 to July 2003, an average of 17.5 new hires and 16.5 terminations were processed each month.
7	General	How many requisitions are submitted for processing each month by organization? How many positions are included on average on each requisition?	See response to Question 3.
8	General	How many positions are "rolled over" from the prior year?	The Government assesses its needs prior to the start of each new fiscal year. No positions are guaranteed from one year to the next. However, the vast majority of positions are indeed ordered from one fiscal year to the following one.

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9	H.14 and C.3.1.2	For exempt and non-exempt positions, time off without pay in the case of shutdowns, weather, acts of God, etc., is required. While non-exempts can be sent home without pay, exempt positions are guaranteed a fixed salary. Are we to build in the cost for this time off in our multiplier? If so, please provide historical data as to the number of hours of time off without pay and the number of exempts affected by this requirement.	As noted in Section B.1(c) of the RFP, the Government anticipates that the overwhelming majority of orders will be issued on a labor-hour (LH) or time-and-materials (T&M) basis. Per Section G.5.2, payment for <u>actual work and services rendered</u> under all T&M or LH task orders will be made on a monthly basis in accordance with the clause entitled "Payments under Time-and-Materials and Labor-Hour Contracts" (see Section I.1, Clause 52.232-7). This clause does not distinguish between FLSA exempt and non-exempt contractor employees. Further, as noted in Section B.4 and clause 52.232-7, the hourly rates in the proposed contract must be fixed unit prices that include all costs and profit necessary to provide the level of service specified in the contract and/or task order. Offerors must estimate the cost impact of unbillable time such as that caused by weather related closures. Historically, for informational purposes only, 557 aggregate work days were lost due to office closure in calendar year 2000, 418 days were lost in 2001, 154 days were lost in 2002, and 382 days were lost in the first six months of 2003.
10	C.3.1.2	Exempt employees are guaranteed a weekly/monthly/annual salary, and docking pay is not acceptable by FLSA, yet they are (required to) bill per productive hours? Can you provide an estimate of number of productive hours paid for exempt employees?	Regarding the first part of the question, see response to Question 9. In response to the second part of the question, the historical average number of productive annual hours per exempt full-time position is 1,950.
11	L.3.1.4	Please provide the minimum Service Contract Act labor categories for each labor category in the RFP.	Section L.3.1.4 of the RFP provides guidance. However, the offeror is ultimately responsible for properly classifying all of its proposed personnel.
12	L.3.1.4	There appears to be a number of positions that are conformed to a different position in the wage determinations. Please clarify how many conformed positions, to which Service Contract Act position they are conformed, and the wage rates for each position.	See the Government's response to Question 11.
13	General	What percentage of the contractor workforce will have internet connectivity at the work site to enable leadership and communication with employees?	The Government cannot say with any certainty what percentage of the workforce will have internet connectivity at the work site. Currently, neither DEA nor FBI provide internet access to their contractor workforce. It is difficult to predict, however, whether internet access will be available at other work sites.
14	B.1	This section states that the anticipated date of award of the proposed contract is October 10, 2003 with full performance of the contract expected to commence by December 09, 2003. These dates do not agree with the same dates in Section L.3.2.5, which states that the contract will be awarded on October 08, 2003 with full performance to commence on December 08, 2003. Which section of the RFP should take precedence?	Anticipated date of contract award is October 10, 2003, with full performance of the contract expected to commence on December 09, 2003.

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15	B.4(c)	This section states that “All work performed under this contract will be at Government sites.” How does this affect regional offices (not at Government sites) since Regional Directors are on this contract?	This reference should read that “most” work will be performed at Government sites. The Program Manager and Regional Directors are not required to work at a Government site. In addition, under certain circumstances, some work might require Contractor personnel to gather information, perform research, and travel off-site in performance of their duties.
16	B.6.3	Please clarify how the DOL Wage Determination adjustments are calculated for the CMSA sites that are affected by multiple Service Contract Act Wage Determinations.	The Government will utilize the supporting data provided by the offeror in accordance with Section L.3.1.6 of the RFP along with updated Area Wage Determinations to calculate the wage determination adjustments discussed in Section B.6.3(c) for CMSA sites.
17	C.1.5.2	Will the Contractor receive more information on the task order as to what duties will be performed/skills required than just the title of the position? DOL Directory of Occupations is somewhat vague in many instances and does not contain modern techniques/equipment, etc. More defined job duties or qualifications required will help provide the right candidate.	Attachment (4), “Labor Category Descriptions”, to the RFP provides a detailed description of the specific duties and requirements of each labor category.
18	C.1.5.3	This section states that in a situation where the Contractor has to remove any Contractor employee found to represent a threat to the safety of government records, government employees, or other Contractor employees, “the Contractor shall reimburse the Government for the cost of any Government-provided or funded training given to the Contractor employee who ceases to perform Contract duties within six (6) months after receiving that training”. Does this reimbursement include Training Course costs only, or is the labor cost involved as well?	This reimbursement includes any costs or funding associated with the training course(s) itself. The Contractor will not be required to reimburse the Government for the billable direct labor costs of the employee required to take the training.
19	C.1.5.5	Please clarify the Government’s intent in the wording, “a modern style pension plan”, in the first sentence of this section. Does the Government intend more than the strict, traditional definition of a defined benefits plan, or does it intend a broader definition that includes a 401K plan with defined company contributions?	Section C.1.5.5 is deleted from the RFP in its entirety. The offeror should include any description of a proposed pension plan with the Total Compensation Plan required in Section L.3.2.3(3).
20	C.1.9	Will the Government have space available for group employee phase-in meetings that the Contractor may use?	The Government may have space available for phase-in meetings depending on the circumstances at a given site and at a given time. However, it is the contractor’s responsibility to adequately plan for and address all aspects of communication and coordination with employees during the phase-in period.
21	C.3.1.2(c)(2)	Paragraph (c)(2) states that productive hours do not include the time required for “upgrade” training provided by the Contractor for contractor employees. How much may be expected? Will the Government pay exempt employees? Under FLSA, pay cannot be docked for many situations.	The training requirements, including responsibility for cost, are specified in Section C.1.5.2. See also response to Question 9.

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22	C.3.3.1	Paragraph (2) states that "...recruitment shall be managed to provide quick identification of recommended personnel for QAE review and security review". What is the average turnaround time for the QAE and security review?	Generally, QAE reviews are completed within a few days. Once a complete security package has been submitted by the Contractor, security reviews by the Government can take as long as 6-8 months to complete.
23	General	Will the Contractor select and provide the employee or will the customer want to interview and select from candidates that the Contractor screens and provides?	The contractor will select and provide the employees. There is flexibility in how the contractor coordinates the selection process with the customer at individual sites; customer participation is encouraged. However, the final decision regarding personnel hiring decisions ultimately rests with the contractor.
24	General	What are the performance standards for filling a position and the penalty for failure to fulfill? What are the exceptions to this requirement?	The Government's requirements for filling a position are set forth in Section C.3.3.1 of the RFP. There are no specific penalties set forth for failure to fill a position. However, failure to fill a position or positions could result in a negative past performance rating. Chronic failure to fill a position or positions could ultimately result in the termination of the contract.
25	F.4	Please clarify the apparent inconsistency between Section F.4 that states "the Contractor will perform most required tasks in Government facilities", Section B.4 that states "all work performed under this contract will be at Government sites", and Section C.1.4(a) that states "the Contractor shall principally perform work on Government premises for the performance of the tasks under this contract".	See response to Question 15.
26	H.14	The offeror respectfully requests that an additional subparagraph (d) be added to this provision as follows: "If the Contractor is prevented from performance as a result of an Executive Order or an administrative leave determination applying to the using activity, and the employee is able to perform his work at a Contractor facility, such time may be charged to the contract as direct cost provided such charges are consistent with the Contractor's accounting practices."	No, the section remains unchanged.
27	K.7(a)(2)	The Government established the small business size standard as \$6,000,000. Would the Government consider increasing the size standard to \$20,000,000?	No. The \$6,000,000 size standard for NAICS code 541199 is assigned by the Small Business Administration.

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28	L.3.1.2(a)	This subsection includes language that states “Paragraph M.2 of this RFP contains a technical evaluation factor related to the participation of small disadvantaged business (SDB) concerns in the contract. Credit under that evaluation factor is not available to an SDB concern that qualifies for a price evaluation adjustment...unless the SDB concern specifically waives the price evaluation adjustment.” Being that Paragraph M.2 provides for a maximum score of 5 points out of 100 total points for the technical evaluation (5% of the technical evaluation), it would appear that the Government has established a 2 to 1 best value evaluation ratio in favor of price, i.e., an SDB concern can gain a 10% price advantage for a 5% technical disadvantage. Is this a correct interpretation; is this consistent with the Government’s intent?	No. As stated in Section M.1.2(b), in deciding which offeror represents the best overall value, the Government will consider technical merit to be significantly more important than the proposed price. Further, there is no predetermined mathematical or formulaic approach to the award decision.
29	L.3.2.5	The last sentence of this section directs the offeror to “identify all estimated costs that will be directly billable to the Government during the phase-in period (i.e., prior to 12/08/03)”. It is unusual for an offeror to provide pricing data in a technical proposal. Please confirm the Government’s intent that offerors shall provide an estimate of transition costs in their Transition Plan included in Volume 2. Will these costs be evaluated?	We understand that costs are not usually included in the technical proposal. However, inclusion of the transition costs in the technical proposal will give the evaluation panel a complete view of the offeror’s plan without giving any indication of that offeror’s total evaluated price. As stated in Section M.3(b), transition costs will be considered in the total cost to the Government for contract award determination purposes
30	L.3.2.5	The RFP states that the Offeror should “identify all estimated costs that will be directly billable to the Government during the phase-in period (i.e., prior to 12/8/03)”. Later Section M.3(c) states the “Department will also consider any transition (phase-in) costs identified in the offeror’s proposal.” No guidelines are given in the RFP documents for identifying or estimating these costs. Will the Government provide guidance for what they consider these costs to be?	Part of the Government’s evaluation of the offeror’s proposal will be an assessment of the offeror’s understanding of, and approach to, transitioning to a service contract of this magnitude. The offeror should be able to estimate those costs that are commensurate with its approach. An estimate that follows what the offeror says it is going to do should help the Government determine that the offeror’s approach is realistic and reasonable. [Note, the RFP reference in the question should be M.3(b)]
31	L.3.2.7(b)	This requirement is very broad and does not take into account subcontractor differences in capabilities, business size (large, small, small disadvantaged, etc.), or level of contribution to the overall effort. As stated, this clause could require an offeror with teammates to furnish, for example, 40 past performance references. Is this the Government’s intent? We recommend the Government link this requirement to the level of effort cited in Section L.3.1.2(d), i.e., first-tier subcontractors with a subcontract valued at \$10 million or more, and change Section L.3.2.7(b) to read: “(b) If any portion of the work will be subcontracted or performed by first-tier subcontractors with a subcontract valued at \$10 million or more, provide at least two (2) but not more than five (5) references for each subcontractor as described above.”	The requirement remains unchanged. This is a very large, complex program that it is critical to the Department of Justice. The Government needs to know that the <u>team</u> that is performing the Government’s requirements is fully qualified.

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32	Section M	Is it the Government's intention to have zero percent escalation for non-exempt wage rates for the option years? For exempt wage rates, will the Government provide a minimum escalation factor?	With the exception of the DOL Wage Determination, it is <u>not</u> the Government's responsibility to determine cost. Each offeror's cost proposal must include all costs (and profit) the offeror believes are necessary to recruit and retain highly qualified personnel that are capable of delivering consistent, high quality services. Offerors must provide supporting data (see Section L.3.1.6) revealing all cost elements and the Government will use this data, along with the information in the technical proposal, to assess the reasonableness and realism of proposed unit prices.
33	Attachment (1)	<p>With respect to the four "All Other" tables, please clarify the following:</p> <p>a) Will an average labor rate be provided from each non-exempt labor category from which to base a multiplier?</p> <p>b) Are the multipliers to be entered under billing rates in "All Other" tables?</p>	<p>a) For evaluation purposes, the offeror shall use the Department of Labor Wage Determinations specified in Section L.3.1.5(b)(3) of the RFP to price all non-exempt labor categories.</p> <p>b) No. The offeror shall enter the proposed unit price for each non-exempt labor category from which the adjustment factor will be derived using the supporting data provided under Section L.3.1.6. The adjustment factor will be incorporated into the contract.</p>
34	Attachment (2)	Attachment 2 lists many wage determination schedule revision numbers which are no longer the most current revision, according to the website reference provided in Section L.3.1.5(a)(1) of the RFP. For regions where this situation applies, which wage determination should be used for pricing purposes, the revision number listed in Attachment 2 of the RFP or the more recent revision number for the region as found on the website?	The Offeror should use the revision number listed in Attachment (2) of the RFP. See response to Question 35 also.
35	Attachment (2)	Some of the AWDs listed in Attachment (2) appear to have two revision numbers. Which revision number should we use.	Attachment (2) - Rev 1 has been uploaded with correct revision numbers for all AWDs.
36	Attachment (6)	Could the Government provide manpower data by agency?	The positions associated with each agency may be derived by going through the current report.
37	Attachment (6)	Please clarify what time period is covered by the Attachment (6) Manpower Report.	The Attachment (6) Manpower Report is included to provide a snapshot in time. Specifically, Attachment (6) represents the allocated manpower on the current contract as of April 2003.
38	Attachment (6)	How many FTEs do the 1,273 positions listed in the Manpower Report represent? Can the Government provide a breakdown of these by the average number of productive hours per week or year?	See response to Question 3. A full-time employee works an average of 1,950 productive hours per year.
39	Attachment (9)	Attachment (9), "Subcontracting Plan Outline", was not included with the initial solicitation release. Could the Government please provide the outline?	Attachment (9) has been uploaded to the FedBizOpps web site.